

AMENDED IN ASSEMBLY JUNE 25, 2015

AMENDED IN ASSEMBLY JUNE 15, 2015

AMENDED IN SENATE APRIL 22, 2015

AMENDED IN SENATE APRIL 7, 2015

SENATE BILL

No. 530

Introduced by Senator Pan

February 26, 2015

An act to amend ~~Section 467.5~~ *Sections 467.5 and 23229* of, and to add Article 4.5 (commencing with Section 21215) to Chapter 1 of Division 11 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 530, as amended, Pan. Pedicabs.

Existing law generally regulates the operation of bicycles, including, among other things, providing that a person operating a bicycle on the highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle, including a prohibition against operating a bicycle while under the influence of an alcoholic beverage or any drug. These provisions also apply to a pedicab, as defined. A violation of the provisions regulating the operation of a bicycle or pedicab is an offense.

This bill would expand the definition of a pedicab to include a ~~four-wheeled~~ *4-wheeled* device that is primarily or exclusively pedal-powered, has a seating capacity of ~~not more than 15~~ *for 8 or more* passengers, cannot travel in excess of 15 miles per hour, and is being used for transporting passengers for hire, as prescribed. The bill would impose specified requirements on these pedicabs defined by the bill, relating to, among other things, *a maximum seating capacity for 15 passengers, local authorization to operate, operator qualifications and*

training, safety equipment, *financial responsibility*, and passenger alcohol consumption. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 467.5 of the Vehicle Code is amended
2 to read:

3 467.5. "Pedicab" means any of the following:

4 (a) A bicycle that has three or more wheels, that transports, or
5 is capable of transporting, passengers on seats attached to the
6 bicycle, that is operated by a person, and that is being used for
7 transporting passengers for hire.

8 (b) A bicycle that pulls a trailer, sidecar, or similar device, that
9 transports, or is capable of transporting, passengers on seats
10 attached to the trailer, sidecar, or similar device, that is operated
11 by a person, and that is being used for transporting passengers for
12 hire.

13 (c) A four-wheeled device that is primarily or exclusively
14 pedal-powered, has a seating capacity of ~~not more than 15~~ for 8
15 or more passengers, cannot travel in excess of 15 miles per hour,
16 and is being used for transporting passengers for hire. A pedicab
17 defined under this subdivision is subject to the requirements of
18 Article 4.5 (commencing with Section 21215) of Chapter 1 of
19 Division 11.

20 SEC. 2. Article 4.5 (commencing with Section 21215) is added
21 to Chapter 1 of Division 11 of the Vehicle Code, to read:

22

23 Article 4.5. Operation of Pedicabs

24

25 21215. (a) A pedicab defined in subdivision (c) of Section
26 467.5 shall operate subject to all of the following requirements:

1 (1) *The pedicab shall have a seating capacity for not more than*
2 *15 passengers.*

3 (2) *The pedicab shall be authorized by local ordinance or*
4 *resolution to operate within the applicable local jurisdiction.*

5 ~~(a)~~

6 (3) *The operator of the pedicab shall be at least 21 years of age,*
7 *with a valid California driver's license.*

8 ~~(b)~~

9 (4) *The pedicab shall be equipped with seatbelts for all*
10 *passengers, seat backs, brakes, reflectors, headlights, and grab*
11 *rails. A pedicab that does not meet these requirements shall meet*
12 *these requirements by January 1, 2017, in order to continue*
13 *operation.*

14 (5) *The operator of the pedicab shall at all times be able to*
15 *establish financial responsibility pursuant to Division 7*
16 *(commencing with Section 16000).*

17 ~~(e) A pedicab that does not meet the equipment requirements~~
18 ~~of subdivision (b) shall meet those requirements by January 1,~~
19 ~~2017, in order to continue operation.~~

20 (6) *A pedicab shall not operate on any highway under the*
21 *jurisdiction of the local authority unless authorized by resolution*
22 *or ordinance.*

23 ~~(d)~~

24 ~~(b) (1) If a local authority authorizes on-board alcohol~~
25 ~~consumption by passengers, alcoholic beverages are consumed~~
26 *on board the pedicab, a pedicab defined in subdivision (c) of*
27 *Section 467.5 shall additionally operate subject to all of the*
28 *following requirements:*

29 (A) *The consumption of alcoholic beverages on-board the*
30 *pedicab shall be authorized by local ordinance or resolution.*

31 ~~(A)~~

32 (B) *An onboard safety monitor who is 21 years of age or older*
33 *shall be present whenever alcohol is being consumed by passengers*
34 *during the operation of the pedicab. The on-board safety monitor*
35 *shall not be under the influence of any alcoholic beverage and*
36 *shall be considered as driving the pedicab for purposes of Article*
37 *2 (commencing with Section 23152) of Chapter 12 of Division 11*
38 *during the operation of the pedicab.*

39 ~~(B)~~

(C) Both the operator and safety monitor shall have completed either the Licensee Education on Alcohol and Drugs (LEAD) program implemented by the Department of Alcoholic Beverage Control, ~~Control~~ or a training course utilizing the curriculum components recommended by the Responsible Beverage Service Advisory Board established by the Director of Alcoholic Beverage Control.

(D) Alcoholic beverages shall not be provided by the operator or on-board safety monitor or any employee or agent of the operator or on-board safety monitor of the pedicab. Alcoholic beverages may only be supplied by the passengers of the pedicab. All alcoholic beverages supplied by passengers of the pedicab shall be in enclosed and unopened containers prior to their consumption on board the pedicab.

~~(E)~~

(E) All passengers shall be 21 years of age or older if alcohol is consumed during the operation of the pedicab.

~~(2)~~

(F) For purposes of this subdivision, passengers who are pedaling the device are not operators.

(2) A license or permit from the Department of Alcoholic Beverage Control shall not be required of the operator or on-board safety monitor, so long as neither they, nor their employees or agents sell, serve, or furnish any alcoholic beverage to any passenger.

(c) This article only applies to pedicabs defined by subdivision (c) of Section 467.5, and does not apply to pedicabs defined in subdivision (a) or (b) of Section 467.5.

21215.5. This article does not preclude a local authority from imposing more stringent operating or equipment requirements on a pedicab subject to this article.

SEC. 3. Section 23229 of the Vehicle Code is amended to read:

23229. (a) Except as provided in Section 23229.1, Sections 23221 and 23223 do not apply to passengers in any bus, taxicab, or limousine for hire licensed to transport passengers pursuant to the Public Utilities Code or proper local authority, ~~or the living quarters of a housecar or camper.~~ ~~camper~~, or of a pedicab operated pursuant to Article 4.5 (commencing with Section 21215) of Chapter 1.

1 (b) Except as provided in Section 23229.1, Section 23225 does
2 not apply to the driver or owner of a bus, taxicab, or limousine for
3 hire licensed to transport passengers pursuant to the Public Utilities
4 Code or proper local authority, *or of a pedicab operated pursuant*
5 *to Article 4.5 (commencing with Section 21215) of Chapter 1.*

6 ~~(e) This section shall become operative on July 1, 1989.~~

7 ~~SEC. 3.~~

8 *SEC. 4.* No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.